APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/455,534	12/07/1999	MICHAEL ZIRNGIBL	53470.000039	5280

29315   7590   05/10/2002

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
ONE FOUNTAIN SQUARE
11911 FREEDOM DRIVE, SUITE 400
RESTON, VA   20190

EXAMINER
CHOW, MING

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 05/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-18* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2* .	6) ☐ Other: .

Drawings

1.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they

do not include the following reference sign(s) mentioned in the description: system 100 that is

mentioned on Line 15 Page 32 of the specification is not shown on the drawings; scheduler 1633

that is mentioned on Line 3 Page 37 of the specification is not shown on the drawings; database

server 923 that is mentioned on Line 9 Page 51 of the specification is not shown on the drawings;

system administrator 928 that is mentioned on Line 10 Page 51 of the specification is not shown

on the drawings; A proposed drawing correction or corrected drawings are required in reply to

the Office action to avoid abandonment of the application. The objection to the drawings will

not be held in abeyance.

2.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they

include the following reference sign(s) not mentioned in the description: #140 of Figure 1a, #230

and #240 of Figure 1b, #633 of Figure 3b, #183 of Figure 3c, #949 of Figure 6c. A proposed

drawing correction, corrected drawings, or amendment to the specification to add the reference

sign(s) in the description, are required in reply to the Office action to avoid abandonment of the

application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toy (US-

PAT-NO: 4,554,418), and in view of Wise et al (US-PAT-NO: 5,884,262). Toy teaches on

Column 9 Line 65 the contact is initiated. The contact is initiated of Toy is the claimed "to

initialize a communication". Toy also teaches on Column 6 Line 48 automatic answering device.

The automatic answering device of Toy is the claimed call receiver to accept an inbound

communication. Toy teaches on Column 9 Line 23 the necessary control functions associated

with the contact sequences may be performed concurrently. The control of contact sequence of

Toy is the claimed control of communications. Toy failed to teach generating markup

documents, a storage device for storing the markup documents, to initialize a voice-enabled

communication using the markup documents, to accept an inbound voice-enabled

communication, and to control voice-enabled communication using the markup documents.

However, Wise et al teach on Column 6 Line 55 a searcher returns an unordered list in HTML.

The return of an unordered list in HTML of Wise is the claimed generating markup documents.

Wise et al also teach on Column 7 Line 28standard formats for the computer files such as full

text database. The database of Wise is the claimed storage device. Wise et al also teach on

Column 2 Line 9 a standard file format such as HTML. The standard format such as HTML of

Wise is a markup document. Wise et al teach on Column 4 Line 12 text-to-speech conversion. The text-to-speech conversion of Wise is the claimed voice-enabled communication. Wise et al teach on Column 5 Line 48 Call Manager. The Call Manager of Wise is the claimed call receiver to accept an inbound communication. It would have been obvious to one skilled at the time the invention was made to modify Toy to generate markup documents, comprise a storage device for storing the markup documents, initialize a voice-enabled communication using the markup documents, accept an inbound voice-enabled communication, and control voice-enabled communication using the markup documents as taught by Wise et al such that the modified system of Toy would be able to support the integrated inbound and outbound voice service to the system users.

4.   Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toy and Wise, and in view of Freishtat et al (US-PAT-NO: 5,945,989). Toy and Wise failed to teach the call server comprises an authentication module operative to authenticate an inbound voice-enabled communication. However, Freishtat et al teach on Column 6 Line 31 and Column 8 Line 55 the PIN is used to authenticate the users and the login is confirmed. It would have been obvious to one skilled at the time the invention was made to modify Toy and Wise to comprise an authentication module operative to authenticate an inbound voice-enabled communication as taught by Freishtat et al such that the modified system of Toy/Wise would be able to support the authentication to the system users.

5.   Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toy and

Wise as applied to claim 1 above, and in view of Wise (US-PAT-NO: 5,884,262). Toy and Wise

failed to teach a parser to extract text from the markup language documents and a text-to-speech

engine for converting the extracted text into speech. However, Wise et al teach on Column 2

Line 29 the parser. Wise et al also teaches on Column 2 Line 30 a text-to-speech engine. It would

have been obvious to one skilled at the time the invention was made to modify Toy and Wise to

parse and extract text from the markup language documents and a text-to-speech engine for

converting the extracted text into speech as taught by Wise such that the modified system of

Toy/Wise would be able to support the parser and text-to-speech engine to the system users.

6.   Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toy and

Wise as applied to claim 1 above, and in view of Speicher (US-PAT-NO: 5,996,006). Toy and

Wise failed to teach a search module operative to search markup language documents in the

storage device. However, Speicher teaches on Column 5 Line 34 the DBS contains a processor

and an SQL (Structured Query Language) relational database software. The SQL database

software of Speicher is the claimed search module. Speicher also teaches on Column 5 Line 21

Ad database is comprised of files and ad response files. The database of Speicher is the claimed

storage device. The ad response files of Speicher are the claimed markup language documents. It

would have been obvious to one skilled at the time the invention was made to modify Toy and

Wise to include a search module operative to search markup language documents stored in the

storage device as taught by Speicher such that the modified system of Wise/Toy would be able to

support the search module to the system users.

7.   Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toy,

Wise, and Speicher as applied to claim 4 above, and further in view of Speicher (US-PAT-NO:

5,996,006). Toy, Wise, and Speicher failed to teach the search module comprises an SQL engine

operative to query the storage device. However, Speicher teaches on Column 5 Line 34 the SQL

relational database software. It would have been obvious to one skilled at the time the invention

was made to modify Toy/Wise/Speicher to include a search module which comprises an SQL

engine as taught by Speicher such that the modified system of Freishtat/Speicher would be able

to support the SQL engine to the system users.

8.   Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toy and

Wise as applied to claim 1 above, and in view of Speicher (US-PAT-NO: 5,996,006). Toy and

Wise failed to teach the storage device comprises a relational database. However, Speicher

teaches on Column 5 Line 34 the SQL relational database software. It would have been obvious

to one skilled at the time the invention was made to modify Toy and Wise to include the storage

device comprising a relational database as taught by Speicher such that the modified system of

Freishtat would be able to support the relational database to the system users.

9.   Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toy and

Wise as applied to claim 1 above, and in view of Wise (US-PAT-NO: 5,884,262). Toy and Wise

failed to teach the markup language documents comprise TML documents. However, Wise et al

teach on Column 2 Line 9 a standard document file format, such as HTML, which is used on the

World Wide Web. It would have been obvious to one skilled at the time the invention was made

to modify Toy and Wise so that the markup language documents comprise TML documents as

taught by Wise such that the modified system of Toy/Wise would be able to support the TML

documents to the system users.

10.   Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toy and

Wise as applied to claim 1 above, and in view of Freishtat et al (US-PAT-NO: 5,945,989). Toy

and Wise failed to teach the markup language documents comprise active voice pages. However,

Freishtat et al teach on Column 6 Line 46 Web Page content allows the user to input graphics,

audio, header, text blurbs – any HTML code into the Web Database. The Web Page of Freishtat

is the claimed markup language document. The audio input of Freishtat is the active voice page.

It would have been obvious to one skilled at the time the invention was made to modify Toy and

Wise and the markup language documents comprise active voice pages as taught by Freishtat

such that the modified system of Toy/Wise would be able to support the active voice pages to the

system users.

11.   Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toy and

Wise as applied to claim 1 above, and in view of Freishtat et al (US-PAT-NO: 5,945,989). Toy

and Wise failed to teach the markup language documents comprise information accessed from an

on-line analytical processing system. However, Freishtat et al teach on Column 2 Line 34 an on-

line application generator. The on-line application generator of Freishtat is the claimed on-line

analytical processing system. Freishtat et al also teach on Column 12 Line 59 a Web based

Application generator allows a user to map out a call flow and then assign that call flow to run

on a specific 800 number. The mapped out call of Freishtat is the claimed information accessed

from the on-line analytical processing system. It would have been obvious to one skilled at the

time the invention was made to modify Toy and Wise and the markup language documents

comprise information accessed from an on-line analytical processing system as taught by

Freishtat such that the modified system of Toy/Wise would be able to support the information

accessed from an on-line analytical processing system to the system users.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- Klarlund et al (US-PAT-NO: 6,125,376) teach method and apparatus for voice interaction

  over a network using parameterized interaction definitions.

- Herz et al (US-PAT-NO: 5,754,939) teach generation of user profiles for a system for

  customized electronic identification.

- Logan et al (US-PAT-NO: 5,721,827) teach electronically distributing personalized

  information.

13.   Any inquiry concerning this application and office action should be directed to the

examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally

be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner

by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703)

305-4895. Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Customer Service whose telephone number is (703) 306-

0377. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to TC2600's Customer Service Fax Number 703-872-9314.

Patent Examiner

Art Unit 2645

Ming Chow